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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,801	03/12/2004	Sander Jurgen Roosendaal	NL010603A	8309
24737	7590	12/20/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, HOAN C	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/799,801	Applicant(s) ROOSENDAAL ET AL.	
	Examiner HOAN C. NGUYEN	Art Unit 2871	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 23-27.
 Claim(s) objected to: 21.
 Claim(s) rejected: 12, 13, 15 and 20-22.
 Claim(s) withdrawn from consideration: 6, 14 and 16-19.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Claims 23-27 are now allowed since claim 23 is rewritten in independent form. Claim 21 is still objected.

In specification, applicants divide the invention into three different embodiments, which examiner based on to restrict the invention. In these three different embodiments together with the fourth embodiment as following:

- A. First embodiment has a step of removing non-reactive liquid crystal material.
- B. Second embodiment has step of applying different temperatures to non-reactive liquid crystal material.
- C. Third embodiment has step of providing a patterned orientation layer on which forms non-reactive liquid crystal material.
- D. Fourth embodiment has step of patterning non-reactive liquid crystal material to have different retardation area segments.

Only the first embodiment has a step of removing non-reactive liquid crystal material according to independent claim 6. Claim 14 now depends on claim 12, which relates to the fourth embodiment, which has no step of removing non-reactive liquid crystal material; therefore, when letting claim 14 depending on claim 12, applicants combined two unrelated and different embodiment together. Applicants should give information to convince ALL different embodiments in specification to be related.

Response to Arguments

Applicant's arguments filed on 12/13/2005 have been fully considered but they are not persuasive.

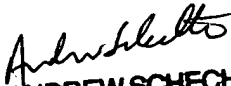
Applicant's ONLY arguments are follows:

Crawford fails to teach providing a first optical retardation that is configured to provide an optical twist in the range of 80 to 100 degrees, and a second optical retardation that is configured to provide an optical twist at or near zero degrees.

Examiner's responses to Applicants' ONLY arguments are follows:

Crawford teaches (col. 6 lines 42-64) providing a first optical retardation that is configured to provide an optical twist in the range of 80 to 100 degrees (in cladding areas 66, vertical alignment liquid crystal that gives an optical twist of nearly 90 degrees), and a second optical retardation that is configured to provide an optical twist at or near zero degrees (in core areas 64, horizontal alignment liquid crystal that gives an optical twist of nearly 0.0 degree).

Applicant needs to further define an optical twist in details, which must be disclosed in the specification..


ANDREW SCHECHTER
PRIMARY EXAMINER